

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO.**

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REPEALING AND RE-ENACTING FREDERICK MUNICIPAL CODE §10-76 ENTITLED "DEFACING PROPERTY," REPEALING FREDERICK MUNICIPAL CODE §10-113(D) RELATED TO "POSSESSION OF MARIJUANA," REPEALING FREDERICK MUNICIPAL CODE §10-136(C) RELATED TO "UNDERAGE POSSESSION, CONSUMPTION OF ALCOHOL PROHIBITED," AND REPEALING AND RE-ENACTING FREDERICK MUNICIPAL CODE §10-136(D) RELATED TO "UNDERAGE POSSESSION, CONSUMPTION OF ALCOHOL PROHIBITED."

WHEREAS, several provisions of Chapter 10, "General Offenses," Frederick Municipal Code, provide that upon conviction, pursuant to Title 42, Colorado Revised Statutes, the offender's driver's license shall be revoked.

WHEREAS, the Colorado Legislature has repealed several provisions of Title 42, Colorado Revised Statutes related to the revocation of drivers' licenses upon the conviction of specific violations; and

WHEREAS, the Board of Trustees finds that it is appropriate to amend the provisions of the Municipal Code that relate to revocation of drivers' licenses upon conviction of specific violations so that the local provisions are consistent with the amended state laws.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Chapter 10, Article IV, Section 10-76 of the Frederick Municipal Code is hereby repealed and re-enacted to read as follows:

Sec. 10-76. Defacing property.

It shall be unlawful for any person to deface or cause, aid in or permit the defacing of public or private property without the consent of the owner by any method of defacement, including but not limited to painting, drawing, writing or otherwise marring the surface of the property by use of paint, spray paint, ink or any other substance or object. Any person convicted of violating this Section may be ordered by the court to personally make repairs to any property damaged, or properties similarly damaged, if possible.

Section 2. Chapter 10, Article VI, Section 10-113(d), of the Frederick Municipal Code, entitled "Possession of marijuana," is hereby repealed in its entirety.

Section 4. Chapter 10, Article VII, Section 10-136(c) of the Frederick Municipal Code, entitled "Underage possession, consumption of alcohol prohibited," is hereby repealed in it's entirety.

Section 5. Chapter 10, Article VII, Section 10-136(d) of the Frederick Municipal Code is hereby repealed and re-enacted to read as follows:

Sec. 10-136. Underage possession, consumption of alcohol prohibited.

(d) Additional Penalty: In addition to any other penalty imposed by the court, upon each conviction, or entry of guilty or nolo contendere plea, for violation of subsection (a)(1) or (a)(2) of this section, any driver's permit or license held by the offender shall be revoked as provided in C.R.S. §42-2-125(1)(m), as amended, where:

(1) The offender has failed to complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program ordered by the municipal court in connection with such conviction; or

(3) The offender has been convicted, entered a guilty or nolo contendere plea, for violation of subsection (a)(1) or (a)(2) of this section and has a previous conviction for any similar local or state alcohol offense.

Section 6. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 7. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 8. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
____ DAY OF _____, 2009.

TOWN OF FREDERICK

By: _____
Eric E. Doering, Mayor

ATTEST:

By _____
Nanette S. Fornof, Town Clerk